

R. H. B. T.
REMARKS

ON

PART of a BILL *1721*

Lately brought into the

House of LORDS,

And Intituled,

A BILL for the more
effectual Suppressing of
Blasphemy and Profane-
ness; *so far as it relates to*
the Archbishops, Bishops,
and Clergy.

LONDON:

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REMARKS

ON

PART of a BILL

For bringing into the

House of LORDS

And Intending

BILL for the more
effectual suppressing of
the Piracy of the
High Seas; for relating to
the Piracy of the
High Seas.

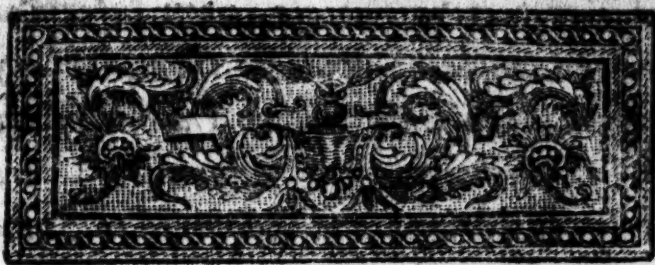


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1801.

W. & A.



A
C O P Y
 O F
P A R T of a **B I L L**

Lately brought into the
House of LORDS,

And Intituled,

A Bill for the more effectual Suppressing of Blasphemy and Prophaneness, &c.

AND be it Enacted-----That
 A the Archbishops of Canter-
 bury and York in their re-
 spective Provinces, and every Bishop of
 England and Dominion of Wales with-
 in

in his respective Diocese, upon Information or Complaint made to them, or any of them upon Oath (which Oath they are hereby Authoriz'd to Administer) are hereby Authorized and Required to Summon and require any Parson, Rector, Lecturer, Vicar, Curate, or other Person being in Holy Orders, to appear before him, publicly and openly to repeat and subscribe the Declaration following.

I A. B. Do Solemnly and Sincerely profess and declare, That I do believe that there is but one Living and True God, Everlasting, the Maker and Preserver of all Things both Visible and Invisible, and that in the Unity of the Godhead there be three Persons of one Substance, Power and Eternity, the Father, the Son, and the Holy Ghost; and I do acknowledge the Scriptures of the Old and New Testament to have been written by Divine Inspiration.

ration. And if any such Person or Persons so summon'd, shall, without sufficient Cause refuse or neglect to appear, or appearing, and being requir'd, shall wilfully neglect, or refuse to repeat and subscribe the said Declaration, the Archbishop or Bishop, before whom such Neglect of Appearance, or Refusal to declare and subscribe, shall be, are hereby empowered and required to Certify under his Hand and Seal, such Default of Appearance or Refusal, into His Majesty's High Court of Chancery, or Court of King's-Bench, to be enter'd there on Record; and he or they so neglecting or refusing, such Neglect or Refusal being certified as aforesaid, shall from thenceforth be incapable to hold any Ecclesiastical Benefice, Lectureship, or Curacy, or to take any Ecclesiastical Benefice, Lectureship, or Curacy, until he shall, in some publick Place to be appointed by the Court,
 where

where such Certificate shall be entered
on Record, openly make and Subscribe
a publick Profession of his Faith, in
the Words herein before mentioned.

REMARKS



REMARKS

UPON THE

Foregoing CLAUSE.

THIS Clause may be consider'd,
 1st, As it respects the BISHOPS:
 2^{dly}, As it respects those of the
 CLERGY, who are understood
 to be Favourers of the *Arian* and other
Heretical Doctrines: and 3^{dly}, As it re-
 spectes the *whole Body* of the Clergy.

I. The Part which it assigns to the
 Bishops, is very dishonourable, and inju-
 rious to their Character. By this Clause,
 the meanest Person in the Diocese may

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inform

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inform against a Clergyman, and oblige him to purge himself, if the Informer can believe that any thing which falls from such Clergyman in his Sermon or Conversation, makes him liable to the Law; but the Bishop has no Power, of his own Motion, to require any Clergyman to purge himself, tho' his Belief that he is a Favourer of *Arianism* be ever so well grounded; nay, tho' he *certainly know* that he is so.

On the other hand, tho' a Bishop know the Informer to be a wicked Man, or to have a personal Prejudice to the Clergyman against whom he informs, and be further assured upon the strongest Grounds, that the Clergyman is of Sound and Orthodox Principles; yet is not the Bishop at Liberty to have any Regard to the Wickedness and Malice of the one, nor the fair Character or Innocence of the other; but is obliged, upon every such Information, to *brand* the Clergyman, by calling upon him publickly to purge himself from *Arianism*, and so to fix a Suspicion of *Heresy* upon him as long as he lives.

Again;

Again; Tho' the Informer know but little of Religion, and much less to be a Judge of the Doctrine of the Holy *Trinity*, and the proper Manner of explaining it; yet the Bishop may not require him to set down, nor so much as tell him the *Words* and Expressions upon which he grounds his Information, in order to judge how far they will reasonably warrant such a Suspicion; but is oblig'd to proceed against the Clergyman as a Person suspected of Heresy, merely because the Informer swears he thinks or believes so.

Or if the Informer shall first make Oath of a Clergyman's having offended against this Act, and then of his own accord acquaint the Bishop with the Words; tho' the Bishop see ever so clearly that the Words will not warrant the Imputation, yet shall he be oblig'd, upon the Oath taken before him, to call the Clergyman to Purgation against his own Judgment and Knowledge.

In like manner, if the Words (as they stand single) are doubtful, and capable of a double Meaning, and

the Bishop calls for the Sermon of which they are a Part, and sees clearly that the Mistake arose from taking the Words singly, and not explaining them by the Context, and the drift of the Discourse, and that by consequence the Information is groundless ; yet, unless the Informer will think so too, the Bishop *must* treat the Clergyman as a *Suspected* Person, and oblige him to purge himself.

In short, the part given to the Bishop in this Bill, is to be a mere *Ministerial Executioner*, without either Knowledge, or Judgment, or Enquiry, to be used or made on his Part ; and such a Power, as might be executed as well by the meanest of his Officers ; being no more than to receive an Oath, and require Subscription, and certify a Refusal.

And yet inasmuch as a formal Citation to the Clergyman comes *from the Bishop*, and is made by his Authority, and the Clergyman so cited, is obliged to appear personally *before the Bishop* to purge himself ; his being call'd to such Purgation, will be generally *understood* by the People, to be the Effect of a just and well-grounded

ded Suspicion on the Part of the Bishop, and will be as reproachful to the Clergyman, as if the Bishop on his own Motion, had required him to purge himself, upon the strongest Suspicion, and after the fullest Enquiry.

II. This Clause may be consider'd, as it respects those of the Clergy, who are understood to be Favourers of the *Arian* Doctrines. And with respect to such Persons, the whole Force and Effect of it depends upon this supposition, That when they are complain'd of, and call'd before the Bishop, they will *not* Subscribe the *Test* here propos'd, but will suffer themselves to be Certified, and Deprived, according to the Tenor of the foremention'd Clause. For if they do Subscribe, this Bill, if pass'd into a Law, wou'd not in the least hurt or reach them. And, that they will Subscribe, is most certain, because the *Test* is part of the *Thirty Nine Articles*, and it is an avowed Principle among them, that those Articles may lawfully and conscientiously be Subscribed in any Sense, in which they themselves, by their own Interpretation can reconcile them to Scripture, without re-
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gard to the Meaning and Intention, either of the Persons who first compiled them, or who now impose them.

This Latitude was expressly asserted in the Year 1712, by a Learned Doctor of Divinity, in a Book, Intituled, *The Scripture-Doctrine of the Trinity*; and was advanced on purpose to justify their Subscribing to this very Article which is now propos'd as a Test; and moreover, the Third Part of that Book was added, on purpose to shew in every Particular, how the strongest Expressions in the Articles and Liturgy of our Church, in favour of the Doctrine of the Trinity, may be subscribed and assented to by any Clergyman of the Persuasion of that Book; under the Benefit of the general Latitude which is given in the Preface, to subscribe in any Sense, in which the Person subscribing can reconcile them to Scripture.

Since that, a whole Book has been written by one of the Party, on Purpose to justify that way of Subscribing; and it has been occasionally mentioned, as a very lawful and regular Way, in many others of their Books; and is what they
All

All openly and professedly maintain in their common Conversation. Several of them have actually Subscrib'd, and receiv'd Promotions, since they fell into these Opinions, and became Advocates for them; and I have not known or heard of any one Man among them, who has declined the Offer of Promotion, on Account of his not being able to Subscribe.

If any Doubt can yet remain whether they will subscribe or not, the following Instance puts it out of all Doubt that they will; being, indeed, the strongest Case, in all its Circumstances, that can well happen. Mr. *Jackson*, who is the chief Adversary to Dr. *Waterland*, in Favour of the *Arian* Doctrine, was made *Confrator* of an Hospital in *Leicester*, and as such stood oblig'd by the Founder to preach a Lecture in one of the Parish-Churches there. By the Act of Uniformity, every *Lecturer* is bound, not only to *Subscribe* the Thirty Nine Articles, and to read the Liturgy with Assent and Consent at his *first coming in* (as other Persons are oblig'd to do, upon their Institution to a Benefice;) but he is also bound to *read* the Thirty Nine
Arti-

Articles in Presence of the Bishop, with Declaration of his unfeigned Assent to the same; and is further oblig'd, upon the first Lecture-Day of every Month afterwards, to read the Service for that Time of the Day on which such Lecture is preach'd, and publickly before the Congregation there assembled, to declare his unfeigned Assent and Consent unto, and Approbation of the Book of Common-Prayer.

Accordingly, the Bishop of the Diocese, in his Visitation the last Summer, call'd upon him (as I am well assur'd) to take a License, and proceeded with him by the several Steps directed in the Act of Uniformity; with all which Mr. Jackson comply'd, without the least Scruple or Hesitation; and did afterwards in the Church declare his *Assent and Consent to the Book of Common-Prayer, with Approbation of it*; and at this Time (if I am rightly inform'd) he renews such *Reading, Assent, Consent, and Approbation*, the first Sunday of every Month, as the Act of Uniformity directs.

From

From what has been observ'd under this Second Head, it is clear, that these Men are ready to subscribe, and declare, and do every Thing the Law directs, as often as they are call'd upon. And since such Subscribing (as we observ'd before) sets them clear from all the Penalties of the Law, and secures them in their several Stations in the Church; the Consequence is, that such a Bill, if pass'd into a Law, would be of no manner of Use, in order to the End which it mainly aims at, nor prove the least Difficulty upon the Persons who are design'd to be reach'd and punish'd by it.

III. This Clause may be consider'd, as it doth, in the Execution of it, affect the whole Body of the Clergy; to whom it will be very grievous in many Respects. For though an *Arian* thinks it no Reproach to *him* to be inform'd against, and to be call'd upon by his Bishop in that Manner, for a Doctrine which he openly avows and glories in; yet the Imputation of that Character, when fix'd upon others, by their being call'd to such a solemn Purgation, will

fit heavy upon *them*, and not only prove a lasting Reproach among their Neighbours, but also a Prejudice to them in their future Advancement in the Church: Inasmuch as their subscribing to this Test (which is no more than what the most open *Arian* is ready to do) will be so far from clearing the Suspicion, that it may bring upon them the *additional Imputation* of having *Unsincerely* subscrib'd what they do not believe, on purpose to save their Preferments.

Nor will the *real Innocency* of a Clergyman in this case, be any Protection to him against such a Reproach. We have seen under the first Head, that the Bill gives not the Bishop the least Power to do Justice to his Clergy against Informations of this Kind, be they ever so groundless or malicious: And the Clergy are too sensible of the Ill will they frequently raise to themselves, by the faithful Discharge of their Duty, to suppose that there will not be Persons malicious enough, to watch for something in their Preaching and Conversation, that may be a Colour for informing: Such, particularly, against whom they have been forc'd to maintain

tain their just Rights in Law; and others, whom they have admonish'd and reprov'd for their wicked Lives. And I must add, that *Party Dissinctions* (which prevail too much in our Days) will greatly add to the Number of Informers. Nor can the Clergy hope to keep their publick Discourses and private Conversation so entirely guarded, as not sometimes to afford a Handle to Minds so *willing* to Believe. In truth, it will be next to impossible for Clergymen to Preach concerning some Important Points in Religion, and particularly the Methods of our Redemption by Christ, without giving such designing and malicious Persons the Advantage to pick out some Sentence or Expression, which they (not over-tender in Point of Oaths) may think a sufficient Ground of Information: And if *They* think so, it is no matter what the *Bishop* thinks.

Nor will a Clergyman's Purgin himself once, by Subscribing before the Bishop, set him clear from such malicious Informations for the Remainder of his Life: So far from it, that, according to this Bill, the very same Person,

son, upon any new Advantage taken, may inform against the same Clergyman every Month, or every Week: And as oft as a new Information is made, the Bishop stands oblig'd to call him to a new Purgation. Nay, the oftner he is call'd upon to purge himself, the more apt will Mankind be to watch him as a suspected Person, and to wrest and misinterpret all his Discourse, and load him the more with repeated Informations.

But, besides the Reproach and Vexation to which such a Bill will expose the Clergy, there is a Burthen of another Kind which also deserves Consideration; and that is, the *Fatigue* and *Expence* it may bring upon them. The Subscription must be made *before the Bishop in Person*, whose ordinary Residence in his Diocese is oft-times at a great Distance from several Parts of it, and, generally speaking, the Bishops are oblig'd for One Half of the Year to give their Attendance in Parliament; which makes the Distance, and, by Consequence, the *Fatigue* and *Expence* of the Clergy, still greater. And lest the Distance, and *Fatigue*, and *Expence*,

pence, should not be great enough at all Times, and whether the Bishop is in his Diocese, or out of it; the Bill puts it in the Power of the Informers (whose other Affairs may frequently call them up to London) to make the Complaint, if they please, to the *Archbishops*; and by that means, gives them the Pleasure of bringing the Clergy, not only from the remotest Corners of the Diocese, before their Bishop, (which, in many Cases, would be vexatious and expensive enough) but from the remotest Corners of the *Province*, before their *Metropolitan*.

This then is the Sum of these Remarks upon the foregoing Clause. With regard to the *Bishops*, it gives them no Power (though in a Matter which directly concerns the Clergy, and our Common Faith,) but what might as well be executed by their meanest Officer; and which is worse, no Power to protect their innocent Clergy, against unjust and malicious Informations; though they see the Malice, or the Mistake, ever so clearly. With regard to those of the *Clergy*, who are justly suspected of unsound Doctrines, (particularly the *Arians*,

and, against whom it is chiefly intended;) the Bill, if pass'd into a Law, would not hurt them in the least, either in their Reputation or their Preferments. But with regard to the great Body of the Clergy, besides the Avocation from their Cures, it would put it in the Power of malicious People, to bring upon them a great Load of Reproach, and Fatigue, and Expence, through an undue wresting of Expressions in their Preaching or Conversation, to Heretical Meanings; and might, in the End, discourage them from preaching at all, upon some of the most important Points in Christianity; as seeing it next to impossible to guard their Discourses on these Heads, against the Misinterpretations of malicious or ignorant Men.



F I N I S.